

## FARMINGTON CITY COUNCIL MEETING

September 1, 2015

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, Farmington resident Randy Elliot, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

### Issuance and Sale of \$3,700,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2015 and the Potential Economic Impact that the Improvement, Facility or Property for which the Bonds Pay All or Part of the Cost will have on the Private Sector

**Mayor Talbot** said the sale of the bonds fell at a good time in terms of the market; the bonds were competitive and were purchased right away. The City is issuing \$3.5 instead of \$3.7 million. **John Bilton** asked for clarification about whether the interested rate is 2.15% or 4% because both numbers were listed in the packet. He wondered if the rate was discounted. The **Mayor** said he would get the final interest rate to him.

### Farmington Fields

**Mayor Talbot** asked for verification that this agenda item is for the lot where the Mercedes Benz will sit, and not anything else, which was confirmed. **John Bilton** asked if it is all west of the planned north-south road, and Eric Anderson said yes. **Mayor Talbot** said Eric walked him through the changes and that he is comfortable with it.

### Eagle Cove

**Dave Millheim** reminded the Council that vesting does not occur at schematic plan, and this item is for schematic plan only. The City is treating this item as independent of what UDOT does with the WDC, acknowledging the rights of property owners. This development would help with the road improvements on 1100 West and Glovers Lane. **Mayor Talbot** said the City would need to maintain a strong position on requiring those improvements to be made. **Eric Anderson** said that Mr. Bassett is asking for a lot of TDR's, but if the Council is comfortable with the densities, they make sense. He said the densities are comparable to surrounding areas. **Dave Millheim** said condition 7 was added in order to provide extra caution in the event the WDC proceeds forward and to provide opportunities for potential buyers to read about what is on the plat so they can be aware of the possibilities. He said he notified UDOT that this development is in the planning process. UDOT wanted the City to delay it, and Dave said the Council will have to make that decision when the plat is considered. **Mayor Talbot** said the City will take the higher road and be transparent throughout the process. He said tonight's item is a discussion only, to look at the schematic plan and consider preliminary approval on the basis of its merits. **Doug Anderson** thought they would have to tear down their existing home, but **Eric Anderson** said it is currently drawn such that the Bassett's can keep their house. **Mayor Talbot** said he is happy for Mr. Bassett acting as the developer and to move forward with the road improvements.

#### **Item 4 on Summary Action**

**Dave Millheim** said item 4 could be pulled and voted on separately. **Mayor Talbot** said everyone was on board when they had the discussion with the School Board, and he is comfortable keeping it on Summary Action. Everyone on the Council was also comfortable with keeping it on Summary Action.

#### **Cory Ritz**

He said he has an item for a closed session.

#### **Doug Anderson**

He said he had a resident come to his home and bring her property tax statements. This resident has seen between 20-30% tax increases that do not seem to align with their property appraisals. They fight it every year and win, but they wonder if they have to get an appraisal each time. **Brigham Mellor** said only about 13% of property taxes go to the City, and about 60% go to the School District. He said the market rebounded over the past 3 years and so it makes sense that property values have increased. **Doug Anderson** asked for advice for how to address these types of concerns with residents. **Mayor Talbot** said they should not have to get a reappraisal, they need to look at comparable sales. **Dave Millheim** confirmed that comparable sales are all that should be needed to successfully win a challenge. He said they need to have some data. A recession really does have an impact on property taxes, and when property values rebound, that is a good thing. **Mayor Talbot** said they just need to go through the process, which is with the County. **Doug Anderson** said he thinks an educational video about taxes would be beneficial for residents. **Cory Ritz** said the evidence of the City doing well is that taxes have not been raised. **Mayor Talbot** said having a video like that would have made it easier for people to understand and support the bond.

#### **John Bilton**

He commented that the Eagle Cove development will be the first under the 4218 line. **Dave Petersen** said there have been other developers who have asked if they could bring in extra fill and then go under the 4218 line, and the City has said no. **John** expressed concern that by allowing this development to proceed as proposed, the City is saying other developers can do the same thing. He acknowledged that there is a big trade going on with the TDR's. He said managing open space with these remaining parcels is another question in his mind. He is uncomfortable with the proposal. **Dave Millheim** encouraged John to repeat these comments after the public hearing, because they have already heard them from him and Dave Petersen. An agreement on the actual TDR's will happen at plat; tonight the Council is just approving that they can use TDR's. **Mayor Talbot** said from the standpoint of the schematic it looks like it will work.

**Brigham Mellor**

He said the City is doing something to support the bond, and wondered if the City is doing anything to support the sales tax as it relates to the County. **Dave Millheim** said the City already passed a resolution of support.

**Mayor Talbot**

He said the League of Cities and Towns is coming up, and encouraged the Council members to sit together, etc.

He addressed a letter from a resident on a fixed income regarding tax increases. He said they can come in and complain, but there is not much the City can do. When taxes increase, people often assume it is from the City.

He said he had a meeting with someone from the County, who wanted to have each City submit pictures and a brief history for a book that will be published. Mayor found out during the meeting today that if you want to have a page in the book, it is \$1700 per page. He thought it was a project to provide a record, but it is actually for profit. He said there are lots of advertising pages. He is not interested in it at all, but asked for the Council's opinions. He said the County Commissioners are pushing it. He does not see the City gaining anything from it. All Councilmembers gave a thumbs down.

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**REGULAR SESSION**

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

**CALL TO ORDER:**

**Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by Councilmember **John Bilton** and the Pledge of Allegiance was led by Councilmember **Jim Young**.

**PUBLIC HEARINGS:**

**Issuance and Sale of \$3,700,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2015 and the Potential Economic Impact that the Improvement, Facility or Property for which the Bonds Pay All or Part of the Cost will have on the Private Sector**

**Mayor** said this bond will help build facilities, including the city's gymnasium and parks. **Dave Millheim** said we are following state law to hold a public hearing even though

the voters approved the RAP tax already. The City will be using the bond proceeds to pay for the gym.

*Mayor Jim Talbot opened the public hearing at 7:06 p.m.*

*Mayor Jim Talbot closed the public hearing at 7:06 p.m.*

### **Farmington Fields Plat Amendment**

**Mayor Talbot** said this is a plat over by the Chevron gas station off of Park Lane. Staff has recommended approval. **Eric Anderson** said with most plat amendments, they send a mailing to surrounding property owners and there is a 10 day protest period; if there are no protests they hold a public hearing. This proposal is to add land to the existing lot, directly west, and making it into one lot for the Mercedes Benz dealership. **Mayor Talbot** said this is for the Mercedes Benz only. **Jim Young** said he liked the branding of “Mercedes Benz of Farmington” and thinks it is good for us and for them.

*Mayor Jim Talbot opened the public hearing at 7:09 p.m.*

*Mayor Jim Talbot closed the public hearing at 7:09 p.m.*

### **Motion:**

**Brigham Mellor** made a motion that the City Council approve the plat amendment for the Farmington Fields Subdivision, subject to all applicable Farmington City ordinances and development standards, and the following condition: the applicant shall address all outstanding DRC comments as part of conditional use and site plan approval process for the Mercedes Benz Dealership.

**John Bilton** seconded the motion which was unanimously approved.

### **Findings for Approval:**

1. The proposed plat amendment conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.

2. The proposed plat amendment will create a legal, conforming, and buildable lot for the proposed Mercedes Benz Dealership, which is a use the City desires.
3. The plat amendment does not affect or alter Parcel A in the Farmington Fields Subdivision which is desirable because it is a regional storm-water detention facility and possible wetlands; this ensures that the parcel will remain “unbuildable”.

### **Eagle Cove Conservation Subdivision—Schematic Plan**

**Eric Anderson** said this property is currently zoned AA, the lowest zone density in the City. Under a conventional AA zone, the minimum lot size is 10 acres, and even under a conservation subdivision the minimum lot size is 5 acres. The applicant's parcel is 6 acres, and there are 3 parcels, and every other lot that he wants to get into this subdivision will have to be through TDR. He proposed an alternative with a cul-de-sac instead of 2 flag lots, taking the total count from 17 to 16 lots. From the perspective of 1100 West and Glovers lane, the applicant will be required to do improvements on his side- curb and gutter, sidewalk, park strip, etc. The average lot size is about 14,000 feet and matches the surrounding developments. As part of the approval tonight, the Council would be approving the TDR's in concept. That is how the applicant is getting to the densities needed. Staff recommends approval.

The applicant, **Bruce Bassett**, lives on the corner of Glovers Lane, where 1100 West is going in. He said his country home is turning into a city home, and his proposed development is an effort to recover some of what he feels he has lost, and is now having to deal with, now that his home is on the corner of a major collector. He looks forward to having the conversation regarding the financials of the TDR's. He looks forward to finding out how much he will have to pay for sewer, given that his septic tank might be taken out with the road improvements. He has gotten the impression that he will have to put in 700 feet of sewer in order to connect it to his house. He understands there will be concessions, and hopes there will be other opportunities for further discussion. He said he looks forward to developing this land.

***Mayor Jim Talbot opened the public hearing at 7:20 p.m.***

**Susan Openshaw**, 856 Shirley Ray Drive, Farmington. She lives right across from the Bassett's, and she is upset by what the City is doing by taking out her neighbor's property. She asked why the Bassett's would have to improve the West side of 1100 West, including curb and gutter and sidewalks. She wondered if there is a need to make property owners pay for that side of the street when kids walking home from school will likely walk on the other side of the street where the school and park are.

***Mayor Jim Talbot closed the public hearing at 7:23 p.m.***

**Eric Anderson** said anyone who comes in to develop a subdivision is required to improve the roads in their subdivision as well as abutting roads. He said that is a standard City requirement. **Mrs. Openshaw** said the street drawing shows that it looks like the improvements are coming over into the street. **Dave Petersen** said the curb, gutter and sidewalk are part of the street/right of way. If someone came in for a building permit, the City would require them to sign an extension agreement to provide the road improvements. When a subdivision comes in there are logical tie ins, and the City engineer can ensure that the design

of the improvements extend through the subdivision seamlessly. The City Engineer can design the improvements so the developer can put them in right away. It is better to put them in immediately instead of delaying them and trying to call on extension agreements later. Cities do not usually put in curb and gutter, but maintain them.

**Mayor Talbot** said that is part of the cost and risk of doing development. It is part of the City's ordinance to make such improvements and developers need to know that going in. He said often developers wrap that cost into the lot.

**John Bilton** said he has concerns regarding the elevation and location. The City has been careful to observe the 4218 line, which is the established elevation line of the lake under a worst case scenario. He said we are potentially putting a development in under that line, and even if fill is brought in, it is concerning. He is concerned about lot sizes, and the number of TDR's. He said he supported the TDR ordinance, but this development has a lot of TDR's. He is concerned about what this says to the other surrounding land owners- that this is what they can do if this development gets approved. He worries about seeing future similar applications in that area in the future. He wonders if the City wants that kind of linear development to set the precedent for that area, which has historically been very open and rural. He said this development may start the chain reaction of change in that area.

**Cory Ritz** said he assumes there is still some movement in the schematic plan. He asked about a whether there is a spring on the property. **Bruce Bassett** said Hogan construction found a spring, and he said his house sits on a well and the overflow runs into a pond. **Cory Ritz** also said acre is misspelled 5 times in the schematic plan and needs to be corrected before it is recorded. **Mayor Talbot** said there is no vesting until after schematic plan. He said change can trouble surrounding property owners, and it is not the Council that is changing things, it is the property owners exercising their property rights. He said this is a chance for the Council to look at the proposal and see if it is viable. **Dave Millheim** said he wants the record to show that the Planning Commission came up with 6 conditions and staff came up with condition 7, which he stated for the record, and which is listed below. **Bruce Bassett** said when Randy Jefferies sat in his living room, he suggested he needs to live his life as if UDOT is not going to come in and put in the WDC. **Bruce** expressed concern over having this hang over his head, and said he is trying to proceed with his life as if UDOT does not exist. **Mayor Talbot** said he wants to make sure they do not lead anyone down a path where they are not aware of what could come.

***Motion:***

**Cory Ritz** made a motion that the City Council approve the schematic plan for the Eagle Cove Subdivision, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall revise the preliminary plat showing only 16 lots and a cul-de-sac in place of the two flag lots as originally proposed;
2. The applicant shall receive approval for 13 TDR lots by City Council concurrent with schematic plan approval, the value of which will be determined at a later date;
3. The applicant shall remove the 2 flag lots concurrent with schematic plan approval;
4. The applicant shall address all outstanding DRC comments on preliminary plat;
5. The applicant shall provide a Sensitive Area Designation Plan;

6. A note shall be placed on the plat addressing future property owners within the subdivision and an exception that there will be odors associated with adjacent agricultural uses;
7. A note shall be placed on the plat stating: “the preferred alignment for the West Davis Corridor may affect this property, depending on the final record of decision.”

**Jim Young** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The proposed subdivision conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. The proposed development will aid the City in improving Glover Lane and 1100 West.
3. Because 1 lot has been removed, the densities requested are more consistent with the surrounding neighborhoods.
4. The two proposed flag lots do not meet any of the criteria as outlined in Section 12-7-010 of the Subdivision Ordinance regulating flag lots, and must therefore be removed.

**SUMMARY ACTION**

**Minute Motion Approving Summary Action List**

1. Approval of Minutes from City Council held August 18, 2015
2. Meadow View Conservation Subdivision Phase II Final Plat
3. Street Cross Section Proposal for the Cul-de-sac in Pheasant Hollow Subdivision
4. Resolution in Support of School Bond for Davis County School District

Edits to the notes from August 18, 2015:

**John Bilton** clarified that on page 1, he said FABL (Farmington Area Baseball League); he also clarified that on page 5 in the top section, 1<sup>st</sup> sentence it should read “Farmington area 501c (3) non-profit”, not private business.

**Jim Young** clarified that on page 2- the complaints were from the neighborhood about noise around Farmington Creek Pond.

**Cory Ritz** said on page 2 he was complimenting the police department for their help but that ultimately it pushed the parking problems further into the neighborhoods. **Dave Millheim** said to add “Pushed the problem further into neighborhoods based on enforcement”.

***Motion:***

**Jim Young** made a motion to approve the items on the Summary Action List 1-4, with the minutes amended as noted. **John Bilton** seconded the motion which was unanimously approved.

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

- The Executive Summary for the Planning Commission meeting held on August 20, 2015.

Council members **Doug Anderson, Brigham Mellor, Cory Ritz, John Bilton, and Jim Young** did not have anything else to report at this time.


**CLOSED SESSION**

***Motion:***

At 7:45 p.m., **Cory Ritz** made a motion to go into a closed meeting for purpose of discussing the character and competency of an individual. **John Bilton** seconded the motion which was unanimously approved.

**Sworn Statement**

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

  
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**Jim Talbot, Mayor**

***Motion:***

At 7:53 p.m., a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Brigham Mellor** which was unanimously approved.

**John Bilton** said he has gotten 2 or 3 comments from citizens having been pulled over by Farmington Police feeling like a mountain had been made out of a molehill, i.e. moms being pulled over with a car full of kids by a cavalry of police cars. He suggested a little more civility, smiles, etc. from the police officers. **Dave Millheim** said he knows Police Chief Wayne cares about their training, and will talk to him about it. He said there are a lot of new officers, and it is important for them to be trained with the right attitude.

**ADJOURNMENT**

***Motion:***

At 7:59 p.m., **Brigham Mellor** made a motion to adjourn the meeting. **Cory Ritz** seconded the motion which was unanimously approved.



  
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**Holly Gadd**, City Recorder  
Farmington City Corporation